

106TH CONGRESS
1ST SESSION

S. 948

To amend chapters 83 and 84 of title 5, United States Code, to provide for the equitable waiver of certain limitations on the election of survivor reductions of Federal annuities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 1999

Mr. ROBB introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to provide for the equitable waiver of certain limitations on the election of survivor reductions of Federal annuities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EQUITABLE WAIVER OF LIMITATIONS ON ELEC-**
4 **TION OF SURVIVOR REDUCTION OF FEDERAL**
5 **ANNUITIES.**

6 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

7 (1) RETIRED EMPLOYEE MARRIED AT TIME OF
8 RETIREMENT.—Section 8339(j)(5)(C)(i) of title 5,

United States Code, is amended by adding at the end the following: “The Office may waive the application of either of the 2-year limitations under this clause, if an individual seeking to make an election after the applicable 2-year period is without fault and such application would be against equity and good conscience.”.

(2) RETIRED EMPLOYEE UNMARRIED AT TIME OF RETIREMENT.—Section 8339(k)(2)(A) of title 5, United States Code, is amended—

(A) by inserting “(i)” after “(A)”; and

(B) by adding at the end the following:

“(ii) The Office may waive the application of either of the 2-year limitations under clause (i), if—

“(I) the individual seeking to make an election after the applicable 2-year period is without fault; and

“(II) such application would be against equity and good conscience.”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) RETIRED EMPLOYEE MARRIED AT TIME OF RETIREMENT.—Section 8416(b)(1) of title 5, United States Code, is amended—

(A) by inserting “(A)” after “(1)”; and

1 (B) by adding at the end the following:

2 “(B) The Office may waive the application of
3 either of the 2-year limitations under subparagraph
4 (A), if—

5 “(i) the individual seeking to make the
6 election after the applicable 2-year period is
7 without fault; and

8 “(ii) such application would be against eq-
9 uity and good conscience.”.

10 (2) RETIRED EMPLOYEE UNMARRIED AT TIME
11 OF RETIREMENT.—Section 8416(c)(1) of title 5,
12 United States Code, is amended—

13 (A) by inserting “(A)” after “(1)”; and

14 (B) by adding at the end the following:

15 “(B) The Office may waive the application of
16 either of the 2-year limitations under subparagraph
17 (A), if—

18 “(i) the individual seeking to make the
19 election after the applicable 2-year period is
20 without fault; and

21 “(ii) such application would be against eq-
22 uity and good conscience.”.

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